

SECOND REGULAR SESSION

HOUSE BILL NO. 2703

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

5621H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 477.600, RSMo, and to enact in lieu thereof one new section relating to proceedings of the judicial finance commission.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 477.600, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 477.600, to read as follows:

477.600. 1. There is hereby created within the judicial department a "Judicial Finance Commission". The commission shall be composed of seven members appointed by the supreme court. At least one member of the commission shall be a member of a county governing body from a county of the third class, one member of the commission shall be a member of the county governing body of a county of the first class, and one member of the commission shall be a member of a county governing body from any class of county. The supreme court shall designate one member to serve as chairman and one member as vice chairman. The vice chairman shall preside in the absence of the chairman.

2. The members of the commission shall serve for terms of three years and until their successors are appointed and qualified; except that of the initial members appointed, three shall serve for terms of one year, two shall serve for terms of two years and two shall serve for terms of three years, as designated by the court.

3. If a vacancy occurs the court shall appoint a replacement. The replacement shall serve the unexpired portion of the term and may be appointed to successive terms.

4. The commission shall promulgate rules of procedure which shall become effective upon approval by the supreme court. The supreme court may adopt such other rules as it deems appropriate to govern the procedures of the commission.

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 5. The commission shall:

19 (1) Examine the budget request of the circuit court upon the petition by the county
20 governing body as provided in section 50.640 or any budget or item in the budget estimated
21 by the court including, but not limited to, compensation of deputy sheriffs and assistants, as
22 set forth in section 57.250;

23 (2) Issue a written opinion addressed to the presiding circuit judge and the presiding
24 officer of the county. The opinion shall state the conclusions of the commission as to the
25 reasonableness of the circuit court budget request. The opinion of the commission shall state
26 clearly the reasons for its decision. Any member of the commission who disagrees with the
27 commission's findings may file a minority report;

28 (3) Maintain accurate records of the cost and expenses of the judicial and law
29 enforcement agencies for each county;

30 (4) Submit an annual report to the governor, general assembly, and supreme court on
31 the finances of the judicial department. The report shall examine both the revenues of the
32 department and the expenses of the department. The report shall include the information
33 from all divisions of the circuit court of each county including the circuit, associate circuit,
34 probate, juvenile and municipal divisions. The information shall be reported separately
35 except where the divisions are combined or consolidated. In lieu of separate publication, the
36 supreme court may direct the annual report described in this subdivision to be consolidated
37 with any annual report prepared by the supreme court or the office of state courts
38 administrator, provided that such report is distributed to the parties described in this
39 subdivision.

40 6. In discharging its responsibilities, the commission may:

41 (1) Conduct public hearings, take testimony, summon witnesses, and subpoena
42 records and documents;

43 (2) Conduct surveys and collect data from county governments and the circuit courts
44 on the operations of the judicial and law enforcement agencies in each county. The
45 commission and its staff shall be granted access at any reasonable time to all books, records,
46 and data the commission deems necessary for the administration of its duties;

47 (3) Within the limits of appropriations made for the purpose, appoint special
48 committees, accept and expend grant funds, and employ consultants and others to assist the
49 commission in its work.

50 7. Upon receipt of the written opinion of the commission or upon refusal of the
51 commission to accept a petition for review, the circuit court or the county governing body
52 may seek a review by the supreme court by filing a petition for review in the supreme court
53 within thirty days of the receipt of the commission's opinion. If a petition for review is not
54 filed in the supreme court, then the recommendation of the commission shall take effect

55 notwithstanding the provisions of section 50.600. If the commission refused to review a
56 petition and no petition is filed in the supreme court, the circuit court budget is approved as
57 submitted to the county governing body. The supreme court shall consider the petition for
58 review de novo.

59 8. The commission shall meet as necessary at the call of the chairman or on written
60 request of four members. Four members constitute a quorum for the transaction of business.
61 Upon request of the chairman, the supreme court may appoint a temporary replacement for
62 any commissioner who is unable to hear a case or who is disqualified from any case. No
63 member of the commission shall participate in any proceeding involving the county or circuit
64 where the member resides.

65 9. Members of the commission shall receive no compensation for their services but
66 shall be reimbursed out of funds appropriated for this purpose for their actual and necessary
67 expenses incurred in the performance of their duties.

68 10. The clerk of the supreme court shall provide suitable staff for the commission out
69 of any funds appropriated for this purpose. The commission may also employ court reporters
70 as necessary to take testimony at hearings held pursuant to section 50.640. The reporters shall
71 be compensated at a rate established by the commission out of any funds appropriated for this
72 purpose.

73 **11. Any legal services required for representation of the circuit court in a**
74 **proceeding of the judicial finance commission, including the review of any petitions**
75 **pursuant to section 50.640, shall be provided by the attorney general, and any legal fees**
76 **incurred by the circuit court in any proceeding of the judicial finance commission shall**
77 **be paid from the state legal expense fund established by section 105.711 and not from**
78 **any funds of any county involved in the proceeding before the judicial finance**
79 **commission.**

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